

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	x Chapter 11 Cases
	: Case No. 05-10987 (RDD)
	: MAYWOOD CAPITAL CORP., et al. : Jointly Administered
	: Case Nos. 04-17047, 05-10944 to 05-
Post-Confirmation Debtors.	: 10987, 05-11521, 05-11523, and
	: 05-17778 (RDD)
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**EX-PARTE MOTION FOR AN ORDER EXTENDING THE TIME FOR THE  
POST-CONFIRMATION TRUSTEE TO FILE FINAL REPORT OF ESTATE AND  
APPLICATION FOR FINAL DECREE CLOSING CASE**

**TO THE HONORABLE ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY JUDGE:**

John S. Pereira, as post-confirmation trustee (the “Trustee”) of the above-captioned debtor (the “Debtor”), by and through his undersigned counsel, files this ex-parte motion (the “Motion”) for an Order Extending the Time for the Trustee to file Final Report of Estate and Application for Final Decree Closing Case (the “Motion”). In support of the Motion, the Trustee respectfully requests as follows:

**BACKGROUND**

1. On February 19, 2005, Maywood Capital Corp. filed a voluntary Chapter 11 petition in this Court, which case was assigned Case No. 05-10987 (RDD).
2. The Trustee is the duly appointed Chapter 11 Trustee of the Debtor’s estate pursuant to an order entered by the Bankruptcy Court on March 24, 2005.
3. On December 14, 2009, the Court entered an order confirming the Trustee’s plan of reorganization (the “Plan”) for the Debtor. The effective date of the Plan was December 28, 2009.
4. Pursuant to the Plan, the Trustee is acting as post-confirmation Trustee for the Debtor’s estate.

5. On January 13, 2010, the Court entered its Post Confirmation Order and Notice. Pursuant to paragraph (4) of the Post Confirmation Order and Notice, the Trustee shall submit his closing report and final decree within (6) months from the date of the Order confirming the plans (i.e. June 14, 2010).

6. On June 14, 2010, the Court entered an Order Granting Motion for an Order Extending the Time for the Post-Confirmation Trustee to file Final Reports of Estates and Applications for Final Decrees Closing Cases, which extended the June 14, 2010 deadline to December 14, 2010 (CP#1080) (the “First Extension Deadline”).

7. On December 10, 2010, the First Extension Deadline was further extended to June 14, 2011 by Court Order (CP#1133).

### **JURISDICTION**

8. The Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

9. The statutory basis for the relief requested herein are sections 1142, 1143, 1226 and 1326 of title 11 of the United States Code (the “Bankruptcy Code”), Bankruptcy Rules 3022 and 9006(b) and Local Rule 3022-1.

10. The Plan provides that all actions taken in the name of the post confirmation Debtors shall be taken by the Trustee. The Plan also authorizes the Trustee to continue any actions or proceedings that may have been commenced by the Trustee prior to the effective date of the Plans if the Trustee deems it appropriate to do so.

**BASIS FOR RELIEF REQUESTED**

11. The Trustee is still in the process of prosecuting various adversary proceedings, and resolving remaining disputed pre-petition claims. Therefore, at this time the Trustee is unable to file a closing report and final decree for the Debtor.

12. By this Motion, the Trustee seeks the entry of an order extending the time for the Trustee to file the closing report and final decree until December 16, 2011.

13. For the reasons set forth above, the relief requested herein is proper and should be granted.

WHEREFORE, the Trustee respectfully requests that the Court (i) grant the Motion Extending the Deadline for the Trustee to file closing report and application for final decree for a period of six (6) calendar months, until December 16, 2011; and (ii) grant such other and further relief as it deems just and proper.

Dated: New York, New York  
June 7, 2011

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*Counsel for John S. Pereira, Post-Confirmation Trustee*

## **EXHIBIT “A”**

### **PROPOSED ORDER**

UNITED STATES BANKRUPTCY COURT  
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**ORDER GRANTING EX-PARTE MOTION FOR AN ORDER EXTENDING THE TIME  
FOR THE POST-CONFIRMATION TRUSTEE TO FILE FINAL REPORT OF ESTATE  
AND APPLICATION FOR FINAL DECREE CLOSING CASE**

**THIS MATTER** came before the Court upon the Ex-Parte Motion for an Order Extending the Time for the Post-Confirmation Trustee to file Final Report of Estate and Application for Final Decree Closing Case (the “Motion”) of John S. Pereira, as post-confirmation trustee (the “Trustee”) of Maywood Capital Corp. (the “Debtor”); and it appearing that the relief requested by the Motion is both necessary and appropriate; and sufficient cause appearing therefore, it is hereby

**ORDERED** that the Motion is granted; and it is further

**ORDERED** that the time for the Trustee to file the Final Report of Estate and Application for Final Decree for the above-captioned case is hereby extended from June 14, 2011 to December 16, 2011.

Dated: White Plains, New York  
June \_\_\_, 2011

**PROPOSED**  
HONORABLE ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY JUDGE